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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,865	07/10/2001	Ryan W. Bruce	RBRUCE-IX	1682

7590

11/19/2002

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

637 teacher  
galvanized steel  
need to find "tubular" frame members.

# Office Action Summary

Application No.  
09/902,865

Applicant(s)  
RYAN W. BRUCE

Examiner  
YVONNE M. HORTON

Art Unit  
3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 19, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### DETAILED ACTION

#### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent

#6,205,719 to BRUCE in view of US Patent #5,862,637 to BRUCE. In particular regards to claims 1 and 6, BRUCE '719 discloses the use of a roof screen (100) including a plurality of frame members including front elements (104), bottom elements (106), and diagonal elements (108); a plurality of base supports (110, 112); sleeve connectors (114, 116, 118, 124); panel supports (126, 128); and panels (102). BRUCE '719 discloses the basic claimed roof screen except for the frame members being tubular shaped and made from galvanized steel. BRUCE '637 teaches that it is known in the art to form the frame (22) out of galvanized steel, column 2, lines 45-48. Although neither BRUCE '719 or BRUCE '637 explicitly teaches the use of tubular frame members, BRUCE '719 appears to show a tubular frame (204) in Figure 2. Tubular frames are old and very well known in the art. Thus regarding a portion of claim 1 and claim 11, it would have been obvious to form the frame of BRUCE '719 from a tubular member, since he shows a tubular member (204). Further, in reference to the remainder of claim 1 and claim 12, it would have been obvious to one having ordinary skill in the art to form the frame of BRUCE '719 out of galvanized material as taught by BRUCE '637 in order to ensure that the frame is strong, lightweight and weather resistant. In reference to claims 2 and 7, the sleeve connectors (114, 116, 118, 124) of BRUCE '719 are knuckles (200) which telescope over the frame members

*Repeat using '719 Bruce basic to teach structure Design to teach tubular # 1637 Bruce to teach*

*120*

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(104,106,108). Regarding claims 3 and 8, the connectors (200) are formed from base connectors (208), end connectors <sup>208</sup>(210) and field connectors <sup>210</sup>(212,214). In reference to claims 4 and 9, the base supports (110,112) includes base plates (308) and flashing (400). Regarding claims 5 and 10, the base supports are "T-shaped". *in that vertical upright 308 & base 308 form T-shape*

3. Applicant's arguments filed 8/19/02 have been fully considered but they are not persuasive. In response to the applicant's arguments, although both '719 and '637 teach the use of tubular members, again tubular members are old and very well known in the art and it would have been obvious to provide the assembly with tubular members in place of the beam members.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.

Yvonne M. Horton  
Patent Examiner  
Art Unit 3635  
November 18, 2002

